



PA-16 CONFIDENTIALITY

POLICY:

Every delegate agency must have safeguards to ensure client confidentiality. Information obtained by project staff about an individual receiving services may not be disclosed without the individual's documented consent, except as required by law or as may be necessary to provide services to the individual, with appropriate safeguards for confidentiality. Information may otherwise be disclosed only in summary, statistical, or other form that does not identify the individual (42 CFR 59.11).

PROCEDURE:

1. The delegate agency must have a written policy regarding the release of client information when not requested by the client. This policy should consider:
 - a) The Health Insurance Portability and Accountability Act (HIPAA);
 - b) North Dakota Century Code, Chapter 23-01.3 Health Information Protection;
 - c) Clinic personnel authorized to release information
2. The delegate agency's health records system has safeguards in place to ensure adequate privacy, security and appropriate access to personal health information.
3. HIPAA privacy forms are provided to clients and signed forms are collected as required.
4. General consent forms or other documentation at service sites state that services will be provided in a confidential manner, and note any limitations that may apply.
5. All agency staff shall be oriented about the importance of confidentiality. They shall be aware that no staff may discuss any client outside the agency or with anyone other than appropriate staff members within the agency.
6. The physical layout of the facility ensures that client services are provided in a manner that allows for confidentiality and privacy.
7. Staff must sign a confidentiality statement upon employment and renew it at least once during each project period. (This statement is included on the Statement of Understanding form.) Students and volunteers must also sign a confidentiality statement. See policies (PA-10 and PA-11.)
8. Third party billing is processed in a manner that does not breach client confidentiality, particularly in sensitive cases (e.g., adolescents or young adults seeking confidential services, or individuals for whom billing the policy holder could result in interpersonal violence).
9. Client education materials (e.g., posters, videos, flyers) noting the client's right to confidential services are available to clients.
10. HIV information should be handled according to North Dakota state century code 23-07-02.2.